THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 22004 of 2007

Dated: 12.11.2007

Between:

Ch. Srinivas Rao and others.

... Petitioners

AND

Government of A.P., rep., by its
Principal Secretary, Revenue Department,
Secretariat, Hyderabad
& others.

... Respondents

Counsel for the petitioners : Sri A.V. Sesha Sai

Counsel for the respondents : Assistant Government Pleader for Land Acquisition

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 22004 of 2007

ORDER:-

This writ petition is filed for a writ of mandamus to quash notification dated 15.05.2007 issued under Section 4 (1) of the Land Acquisition Act, 1894 (for short, 'the Act') and declaration dated 30.05.2007 issued under Section 6 of the Act.

On 12.10.2007, this Court while ordering notice before admission left it open to the Land Acquisition Officer to conduct enquiry under Section 5-A of the Act.

Sri A.V. Sesha Sai, learned counsel for the petitioners brought to my notice order dated 28.08.2007 passed by this Court in Writ Petition No.18275 of 2007, wherein declaration dated 30.05.2007, which is the subject matter of the present writ petition, was quashed and the respondents were directed to hold an enquiry under Section 5-A of the Act.

Learned Assistant Government Pleader for Land Acquisition has not disputed this position.

In view of the same, the writ petition is partly allowed. Declaration dated 30.05.2007 issued under Section 6 of the Act is quashed. The respondents are directed to hold enquiry under Section 5-A of the Act and take decision in accordance with law after giving opportunity to the petitioners to file their objections and considering the same.

The writ petition is accordingly disposed of.

As a sequel to disposal of the writ petition in the manner

indicated above, WPMP.No.28512 of 2007 filed by the petitioners for interim relief is disposed of as infructuous.

_____

C.V. NAGARJUNA REDDY, J

Date: 12.11.2007
ES